

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re: Davidson, et al.  
Serial No.: 10/753,646                      Group Art Unit: 1652  
Filed: 1/08/2004                      Examiner: Hope A. Robinson  
For: NOVEL ANTIANGIOGENIC PEPTIDES, POLYPEPTIDES  
ENCODING SAME AND METHODS FOR INHIBITING  
ANGIOGENESIS  
Docket No.: 5940,US.C3                      Customer No.: 38939  
(065483-0384)  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**ACKNOWLEDGEMENT OF INTERVIEW PURSUANT TO 37 C.F.R. § 1.133(B)**

This paper acknowledges several telephonic interviews conducted in the above-captioned case on September 18 and 23, 2008. Applicant thanks the Examiner for her time to discuss this matter.

**REMARKS**

A number of claim informalities were discussed and minor amendments were agreed to between the Applicant's attorney and the Examiner.

In particular, the Examiner requested that Claims 1 and 69 be amended, as reflected in the attached facsimile dated September 18, 2008, which was provided by the Examiner following the telephonic interview. Pursuant to a call with the Examiner on Tuesday, September 23, 2008, the Examiner is to modify the amendments to the claims as originally provided by the Examiner, such that Claims 1 and 69 reflect the amendments below. In addition, Applicant noticed a typographical error in the Examiner's amendment provided wherein Claim 1 mistakenly read "B is absent or is from 1 to 97 naturally-occurring amino acid residues...." Applicant notes that this should instead read "B is absent or is from 1 to 197 naturally-occurring amino acid residues...." This is not a claim amendment since it reflects the language of Claim 1 as filed by Applicant on June 11, 2008.

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**CERTIFICATE OF TRANSMISSION VIA EFS-WEB**

I hereby certify that this Interview Summary is being transmitted to the United States Patent and Trademark Office via the Office's electronic filing system EFS-Web addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the 23rd day of September 2008.

/Carita Hughes/

In addition, the Examiner objected to claims 70-73. Although Applicant does not believe that the amendments are necessary and believes that the claims as pending are clear, Applicant has agreed to the amendments of claims 70-73, as presented in the facsimile dated September 18, 2008.

Lastly, the Examiner requested a Terminal Disclaimer be filed for the above-referenced application in view of US Patent No. 6,699,838. Applicant has agreed to file the requested Terminal Disclaimer for the '838 patent. In addition, Applicant's attorney noted for the Examiner that additional patents, including the '838 patent, were included within the pending application's claim of priority. The Examiner indicated that she had reviewed US Patent Nos. 6,057,122; 5,981,484; and 5,801,146, and that she believed no additional Terminal Disclaimers were necessary.

#### AMENDMENTS TO THE CLAIMS:

Claim 1. (Currently Amended). A compound having the formula



(I)

or a pharmaceutically acceptable salt, ester or ester prodrug thereof, wherein

A is absent or a nitrogen protecting group;

Y is absent or a carboxylic acid protecting group;

B is absent or is from 1 to 197 naturally-occurring amino acid residues corresponding to the sequence from amino acid position 334 to amino acid position 530 of SEQ ID NO: 1;

C is  $R^1-R^2-R^3-R^4$  wherein

$R^1$  is lysyl;

$R^2$  is leucyl or arginyl;

$R^3$  is tyrosyl, 3-I-tyrosyl or phenylalanyl;

$R^4$  is aspartyl; and

X is absent or is from 1 to 12 naturally-occurring amino acid residues corresponding to the sequence from amino acid position 535 to about amino acid position 546 of SEQ ID NO: 1.

Claim 69. (Currently Amended). A compound having the formula



(I)

or a pharmaceutically acceptable salt, ester or ester prodrug thereof, wherein

A is absent or a nitrogen protecting group;

Y is absent or a carboxylic acid protecting group;

B is 81 naturally-occurring amino acid residues corresponding to the sequence from amino acid position 450 to amino acid position 530 of SEQ ID NO: 1;

C is  $R^1-R^2-R^3-R^4$  wherein

$R^1$  is lysyl;

$R^2$  is leucyl or arginyl;

$R^3$  is tyrosyl, 3-I-tyrosyl or phenylalanyl;

$R^4$  is aspartyl; and

X is 9 naturally-occurring amino acid residues corresponding to the sequence from amino acid position 535 to amino acid position 543 of SEQ ID NO: 1.

### CONCLUSION

Although the Examiner indicated that she would be filing an Interview Summary of her own, Applicant is submitting the provided Interview Summary to confirm the understanding between the parties. If there are any questions, or if anything further is required, please contact Applicant's undersigned attorney.

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Respectfully submitted,

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Customer No. 38939

Date: September 23, 2008

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The Claims have been amended as follows:

**Claim 1. (Currently Amended).**

A compound having the formula

A-B-C-X-Y

or a pharmaceutically acceptable salt, [ester] or ester, prodrug thereof, wherein

A is absent or a nitrogen protecting group;

Y is absent or a carboxylic acid protecting group;

B is absent or is from 1 to 97 naturally-occurring amino acid residues corresponding to the sequence from amino acid position 334 to amino acid position 630 of SEQ ID NO: 1;

C is R<sup>1</sup>-R<sup>2</sup>-R<sup>3</sup>-R<sup>4</sup> wherein

R<sup>1</sup> is leucyl;

R<sup>2</sup> is leucyl or arginyl; R<sup>3</sup> is tyrosyl, 3-4-tyrosyl or phenylalanyl; R<sup>4</sup> is aspartyl; and

X is absent or is from 1 to 15 naturally-occurring amino acid residues corresponding to the sequence from amino acid position 535 to about amino acid position 545 of SEQ ID NO: 1.

**Claim 69. (Currently Amended).**

A compound having the formula

A-B-C-X-Y

or a pharmaceutically acceptable salt, [ester] or ester, prodrug thereof, wherein

A is absent or a nitrogen protecting group;

Y is absent or a carboxylic acid protecting group;

B is 61 naturally-occurring amino acid residues corresponding to the sequence from amino acid position 450 to amino acid position 630 of SEQ ID NO: 1;

C is R<sup>1</sup>-R<sup>2</sup>-R<sup>3</sup>-R<sup>4</sup> wherein

R<sup>1</sup> is leucyl;

R<sup>2</sup> is leucyl or arginyl;

R<sup>3</sup> is tyrosyl, 3-4-tyrosyl or phenylalanyl;

R<sup>4</sup> is aspartyl; and

X is 9 naturally-occurring amino acid residues corresponding to the sequence from amino acid position 535 to amino acid position 545 of SEQ ID NO: 1.

**Claim 70. (Currently Amended).**

The compound of claim 69 wherein A is

absent, and [Y and B-C-X] Y, B, C and X are as defined therein.

**Claim 71. (Currently Amended).**

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The compound of claim 69 wherein (y) Y is absent and [A and B-C-X] A, B, C and X are as defined therein.

Claim 72. (Currently Amended)

The compound of claim 69 wherein A and Y are absent and [B-C-X] is B, C and X are as defined therein.

Claim 73. (Currently Amended)

The compound of claim 69 wherein A and Y are present and [B-C-X] is B, C and X are as defined therein.